

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

FORSTA AP-FONDEN, et al.,

Plaintiff(s),

Case No. 07 CV 1111628

-against-

VIVENDI, S.A., et al.,

Defendant(s).

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )

s.s :

COUNTY OF NEW YORK )

JASON AGEE, being duly sworn, deposes and says that he is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 9th day of January, 2008, at approximately 1:10 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION; CIVIL COVER SHEET; ECF FILING INSTRUCTIONS and COMPLAINT** upon Jean-Marie Messier c/o Messier Partners, LLC at One Rockefeller Plaza, Suite 1502, New York, New York 10020 by personally delivering and leaving the same with A. Blanchard, Associate, who is authorized by appointment to accept service. At the time of service deponent asked whether the defendant is in active military service for the United States or for the State in any capacity whatsoever or dependent upon such person and received a negative reply.

A. Blanchard is a white male, approximately 39 years of age, is approximately 5 feet and 9 inches tall, weighs approximately 150 pounds, with medium length brown hair and dark eyes.

That on the 9th day of January, 2008 deponent served another copy of the foregoing upon the defendant by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney or concerns a legal matter, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

Jean-Marie Messier  
c/o Messier Partners, LLC  
One Rockefeller Plaza  
Suite 1502  
New York, New York 10020

Sworn to before me this  
9th day of January, 2008

  
JASON AGEE #1196790

  
MICHAEL J. KEATING  
NOTARY PUBLIC, STATE OF NEW YORK  
Reg. No. 01-KE-4851559  
Qualified in New York County  
Commission expires February 3, 2010

## UNITED STATES DISTRICT COURT

Southern

District of

New York

Forsta AP-fonden,  
 Baden-Wurttembergische Investmentgesellschaft mbH,  
 Pioneer Investment Management Ltd.,  
 DWS (Austria) Investmentgesellschaft mbH, and  
 KBC Asset Management N.V.  
 V.

Vivendi Universal, S.A., Jean Marie Messier, and  
 Guillaume Hannezo

**SUMMONS IN A CIVIL ACTION**

CASE NUMBER:

**07 CV 11628**

TO: (Name and address of Defendant)

Jean Marie Messier  
 Messier Partners LLC  
 1 Rockefeller Plaza  
 New York, NY 10020

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

William H. Narwold  
 Motley Rice LLC  
 One Corporate Center  
 20 Church Street, 17th Floor  
 Hartford, CT 06103

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON****DEC 28 2007**

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE
NAME OF SERVER ( <i>PRINT</i> )	TITLE

*Check one box below to indicate appropriate method of service*

- Served personally upon the defendant. Place where served:
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- Returned unexecuted:
- Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
		\$0.00

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_  
Date \_\_\_\_\_ *Signature of Server*

*Address of Server*

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.